

REMARKS

By this amendment, claims 1-43, 45-97, and 99-113 are pending, in which claims 58, 112, and 113 are currently amended, and no claims are canceled, withdrawn, or newly presented. No new matter is introduced.

The Office Action mailed July 15, 2005 rejected claims 1-43, 45-97, and 99-113 under the judicially created doctrine of obviousness-type double patenting over claims 1-63 of *Barry et al.* (U.S. 6,615,258), claims 1-43, 45-97, and 99-113 under the judicially created doctrine of obviousness-type double patenting over claims 1-26 of *Devine et al.* (U.S. 6,606,708), claims 1-43, 45-97, and 99-113 under the judicially created doctrine of obviousness-type double patenting over claims 1-29 of *Bladow et al.* (U.S. 6,115,040), claims 1, 2, 4, 58, 59, 61, 112, and 113 as obvious under 35 U.S.C. § 103(a) based on *Mendez et al.* (U.S. Patent Application No. 2004/0139178) in view of *Birrell et al.* (U.S. 5,805,803), claims 3 and 60 as obvious under 35 U.S.C. § 103(a) based on *Mendez et al.* and *Birrell et al.* further in view of *Hind et al.* (U.S. 5,987,523), claims 5 and 62 as obvious under 35 U.S.C. § 103(a) based on *Mendez et al.* and *Birrell et al.* further in view of *Riggins et al.* (U.S. 6,131,116), claims 6, 7, 9, 11-15, 63, 64, and 67-71 as obvious under 35 U.S.C. § 103(a) based on *Mendez et al.*, *Birrell et al.*, and *Riggins et al.*, further in view of *Radia et al.* (U.S. 5,848,233), claims 8 and 65 as obvious under 35 U.S.C. § 103(a) based on *Mendez et al.*, *Birrell et al.*, *Riggins et al.*, and *Radia et al.*, further in view of *Chung et al.* (U.S. 6,012,090), claims 10 and 66 as obvious under 35 U.S.C. § 103(a) based on *Mendez et al.*, *Birrell et al.*, *Riggins et al.*, and *Radia et al.*, further in view of *Montulli* (U.S. 5,774,670) and *Harrison et al.* (U.S. 5,208,908), claims 50-51, 53, 104-105, and 107 as obvious under 35 U.S.C. § 103(a) based on *Mendez et al.* and *Birrell et al.*, further in view of *Montulli*, and claims 52, 54, 55, 106, 108, and 109 as obvious under 35 U.S.C. § 103(a) based on *Mendez et al.*, *Birrell et al.*, and *Montulli*, further in view of *Cianfrocca et al.* (U.S. 6,088,796).

Applicants appreciate the indication that claims 16-43, 45-49, 56-57, 72-97, 99-103, 110, and 111 are allowable if rewritten in independent form, subject to resolution of the double patenting rejections.

Turning attention to the obviousness-type double patenting rejections, terminal disclaimers with regard to *Barry et al.*, *Devine et al.*, and *Bladow et al.* are filed herewith. Thus, the obviousness-type double patenting rejections are rendered moot.

Regarding the rejections of claims 1-15, 50-55, 58-71, 104-109, 112 and 113 over *Mendez et al.*, individually or in combination with one or more of *Birrell et al.*, *Hind et al.*, *Riggins et al.*, *Radia et al.*, *Chung et al.*, *Montulli*, *Harrison et al.*, and/or *Cianfrocca et al.*, Applicants maintain that the even the several combinations fail to teach the claimed features.

Independent claim 1 recites “wherein upon successful authentication of said customer, the logon object is configured to send a command to the authentication server to initiate a download of said one or more client applications.” This feature is not shown in the applied references. In the rejection of claim 113, the Office Action (p. 4) correctly acknowledges, “Mendez does not explicitly disclose *downloading a logon*.” The Office Action then states:

However, in the same field of endeavor, Birrell teaches the same, i.e., checker sends authentication form to client (Col. 4, lines 19-36).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made [*sic*] to incorporate downloading log on object from server to client for authentication purpose as suggested in Birrell with Mendez for overcome [*sic*] impracticalities and security violation as suggested in Birrell (Col. 1, line 60 – Col. 2, line 18)

The Office Action (p. 5) rejected claims 1, 58, and 112 “by the same rationale.”

However, *Birrell et al.*, at col. 4: 19-36, states:

At this point, if the client 110 is already known to the proxy server, then proceed with message 209, i.e., request 370 below. Otherwise, in the case where the client is unknown, the redirected browser makes a secure request 330 in a message 203 to the proxy server 143 for the desired resource. In the case, where the client 110 is unknown, the proxy server 143 replies a message 204 to demand

that the user makes an authentication request 205 using the checker 141, e.g., a redirect 340 to the checker 141.

In response to the request 205, the checker 141 sends a form 206 to the client computer 110 to allow the user to supply authentication information, for example, a user name and password. User identification (ID) is replied (350) in message 207. Alternatively, a secure challenge-response authentication can be performed with a cryptographic device, such as a cryptokey or smart card, in the user's possession. The name and password can be verified against a user database maintained inside the firewall 130.

The checker 141 sends the form 206 for authentication information only, and thus, this cited portion of *Birrell et al.* does not disclose “wherein upon successful authentication of said customer, the logon object is configured to send a command to the authentication server to initiate a download of said one or more client applications,” as required by claim 1. Moreover, Applicants assert that the reasoning that the Examiner puts forth for the rejection with respect to “wherein upon successful authentication of said customer, the logon object is configured to send a command to the authentication server to initiate a download of said one or more client applications,” contravenes 35 U.S.C. § 132, which requires the Director to “notify the applicant thereof, stating the reasons for such rejection.” This section is violated if the rejection “is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection.” *Chester v. Miller*, 906 F.2d 1574, 15 USPQ2d 1333 (Fed. Cir. 1990). This policy is captured in the Manual of Patent Examining Procedure. For example, MPEP § 706 states that “[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity.” Furthermore, MPEP § 706.02(j) indicates that: “[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply.”

In the rejection of claims 6 and 63, the Office Action admits that “Mendez-Birrell-Riggins” fails to disclose “the system comprises a logon object” (p. 7), yet contends that *Radia et*

*al.* (col. 8: 30-67) has an applet function, “which is equivalent [to] the claimed logon object and inherent [in] the use of the logon object to create ...” etc. (p. 7). However, *Radia et al.* does not teach or suggest a logon object that, upon successful authentication of said customer, sends a command to initiate a download of a client application; rather, *Radia et al.* in the cited column merely states that its login applet selects one of the filtering rules 404 for selectively forwarding IP packets to a particular address 502. The recited feature is not inherent in *Radia et al.*’s disclosure, since, under the principles of inherency, *Radia et al.* must necessarily function in accordance with, or include, the recited features, *MEHL/Biophile Int'l.*, 52 USPQ2d 1303 (Fed. Cir. 1999), and this is not the case for *Radia et al.*’s selective packet filtering. The Office Action did not rely on any of the other applied references for this feature, and properly so.

As for independent claims 53 and 112-113, *Birrell et al.*’s checker 141 sending of the form 206 for authentication information and *Radia et al.*’s selective packet filtering fail to teach or suggest the logon object recited in claims 53 and 112-113 to send a command to initiate a download of a client application. Applicants respectfully submit that none of *Mendez et al.*, individually or in combination with one or more of *Birrell et al.*, *Hind et al.*, *Riggins et al.*, *Radia et al.*, *Chung et al.*, *Montulli*, *Harrison et al.*, and/or *Cianfrocca et al.*, disclose the logon object as recited by any of independent claims 1, 58, 112, or 113, and thus the rejection of these claims should be withdrawn.

Dependent claims 2-15, 50-55, 59-71, and 104-109, are allowable for at least the same reasons as their independent claims. Moreover, claims 4 and 61 are further patentable because the applied references fail to teach the features recited in these claims, such as “digital certificates to authenticate a secure web server to said client browser.” The only reference applied for this feature is *Birrell et al.* (Office Action, p. 5), but *Birrell et al.* merely discloses use of a digital

certification to authenticate the **user** (e.g., col. 4: 36-46), not a “secure web server” as recited in claims 4 and 61.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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